GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS – Rectification of Lease Sketch configuration for the Mining Lease for Limestone over an extent of 2,087.89 Acs (844.939 Hectares) in different Sy.Nos. of Thummalapenta & Petnikota Villages, Kolimigundla (M), Kurnool Dist held by M/s.Ultratech Cement Ltd – Orders – Issued.

INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.102 Dt.18.07.2016.

Read the following:

1.G.O.Ms.No.80, Ind & Com (M.III) Dept, dt.29.05.1995.
2.Govt. Memo No.6155/M1/2004-1, dt.02.07.2004.
3.Govt. Memo No.17090/M.I(1)/2004-4, dt.11.08.2006.
4.From the Director of Mines & Geology, Government of A.P., Hyderabad, Lr.No.4857/R3-2/2014, dt.31.10.2014.
5.From the Director of Mines & Geology, Government of A.P., Hyderabad, File No.4857/R3-2/2014, dt.26.02.2016.

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O R D E R:

In the reference 1st read above, Mining lease for Limestone over an extent of 2,087.89 Acs (844.939 Hectares) in different Sy.Nos. of Thummalapenta & Petnikota Villages, Kolimigundla (M), Kurnool Dist was granted in favour of M/s. Larsen & Toubro Ltd., and executed mining lease deed on 28.11.1995 which will be in force up to 27.11.2015.

2. In the ref. 2nd and 3rd read above, further, the Government accorded permission for change of name of M/s. Larsen & Toubro Limited (cement division) as M/s.Ultratech Cement Company Limited and later as M/s.Ultratech Cement Limited respectively.

3. In the reference 4rd read above, the Director of Mines & Geology, Government of A.P., Hyderabad has submitted proposals for rectifying the omissions occurred in the Mining Lease executed sketch of M/s.Ultratech Ltd., under the provisions of Mineral Concession Rules, 1960 read with Section 14 and 21 of the General Clause Act, 1897. While furnishing the said proposal, the Director of Mines & Geology, Government of A.P., Hyderabad has informed that on the draft mining scheme filed by M/s Ultratech Cement Ltd., to the IBM, the Regional Controller of Mines, Indian Bureau of Mines, Hyderabad observed the following deficiencies in the Scheme of Mining and also requested to rectify the same:

i) A lease sketch, duly authenticated by the state revenue department along with DMG should be furnished. It is observed that although GPS readings and distance of permanent control points have been furnished, they have not been shown on plan.

ii) In lease sketch, it is observed that the lease area configuration in submitted draft documents is different that enclosed in approved Mining Plan/Scheme of Mining. On south western side of the lease area Khasra No.338 is missing. Similarly, Khasra No.361, 220, 168, 169, 175 & 176 (on eastern side) are additional areas which are not there in previous lease sketch. It is now clear the lease area has been reduced or increased in subsequent period. Clarification from ADM&G should be enclosed as Annexure.

3. The Director of Mines & Geology, Government of A.P., Hyderabad has further stated that the ADM&G, Banaganapalli who inspected the subject area on 24.09.2014, noticed that some Sy.Nos. which are shown in lease executed sketch are not actually granted and some Sy.Nos. mentioned in the mining lease grant orders but not shown in the lease executed sketch. The details are as here under:

(P.T.O.)

Sl. No.	Sy. Nos. which are in the executed lease sketch but lease not granted		Sy Nos. which fall outside the lease sketch but lease granted		Remarks
	Sy.No.	Extent (Acres)	Sy. No.	Extent (Acres)	
1	303	11.32			Lease not granted and deleted in the sketch
2	514/B	5.22			
3			220	11.10	Partially marked in the executed lease sketch. Now fully marked in the sketch.
4			185	35.67	
5			165	12.30	
6			166	9.35	
7			167	8.74	
8			173	17.25	
Total		**16.54**	**94.41**		

However, the mining lease extent of M/s.Ultratech Cement Ltd., neither reduced nor enhanced and it remained stand still for an extent of 844.939 Ha. The lease holder also agreed for rectification of mistake at the time of approving the scheme of mining under Rule 12(2) of MCDR, 1988. The Director of Mines & Geology, Government of A.P., Hyderabad has reported that under Rule 56 of M.C. Rules, 1960, the Government is empowered for rectification of errors occurred in the mining lease grant orders and lease executed sketch within a period of two years. But, in the instant case the errors occurred in the year 1995 for which the M.C. Rules, 1960 read with Sec 14 & 21 of the General Clause Act, 1897, confers right to the State Government to rectify the errors in demarcated sketch committed while preparing the sketch, as and when it is discovered. The DM&G has also stated that since the discrepancy is only on demarcation of sketch but not the area and Sy.Nos. indicted in the Lease agreement. Hence there is no discrepancy in area. The Director of Mines & Geology, Government of A.P., Hyderabad has therefore requested the Government to accord permission under M.C. Rules, 1960 read with Sec 14 & 21 of the General Clause Act, 1897 to issue revised sketch as per Mining lease grant orders issued vide G.O.Ms.No.80, Ind & Com (M.III) Dept., dt.29.05.1995 for rectifying the ommissions occurred in the mining lease executed sketch of M/s.Ultratech Cement Ltd.

4. The Government, after careful examination of the matter, hereby accord permission to the Director of the Mines & Geology, AP, Hyderabad to issue necessary orders for the revised sketch duly rectifying the errors mentioned in pre paras for the Mining Lease for Limestone over an extent of 2,087.89 Acs (844.939 Hectares) in different Sy.Nos. of Thummalapenta & Petnikota Villages, Kolimigundla (M), Kurnool District held by M/s.Ultratech Cement Ltd., under Rule 56 of Mineral Concession Rules, 1960 read with Section 14 & 21 of the General Clause Act, 1897.

5. The Director of Mines & Geology, Government of A.P., Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.GIRIJA SHANKAR
SECRETARY TO GOVERNMENT (M&FP) (FAC)

To,
The Director of Mines & Geology, Government of A.P., Hyderabad.

Copy to:

The Assistant Director of Mines and Geology, Banaganapalle, Kurnool District.
The Secretary to Government of India, Ministry of Mines, Sastry Bhavan, New Delhi -110001.
The Director General, Mines Safety, Dhanbad, Jharkhand.
The Regional Controller of Mines, Indian Bureau of Mines, Room No.603, 6th Floor, CGO Towers, Kavadiguda, Secunderabad – 500 080.
The District Collector, Kurnool District.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER